



**DEVELOPMENT
SERVICES
DEPARTMENT**

The City of Morgantown

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June 18, 2015

Glenmark Holding, Inc.
c/o Lisa Mardis
160 Fayette Street, Suite 101
Morgantown, WV 26505

**RE: V15-28 and V15-29 / Glenmark Holding, LLC / Greenbag Road
Tax Map 26, Parcel 85**

Dear Ms. Mardis:

This letter is to notify you of the decisions made by the Board of Zoning Appeals concerning the above referenced variance petitions relating to the proposed development on Greenbag Road. The decisions are as follows:

Board of Zoning Appeals, June 17, 2015:

V15-28 – Variance petition concerning access to Luckey Lane and landscape buffer district.

- A. Each of the Findings of Fact was found in the positive as stated in Addendum A of this letter.
- B. The Board granted variance relief from Ordinances 98-01 and 15-16 concerning access to Luckey Lane and a landscape buffer with the following conditions:
 1. That, to the satisfaction of the City Engineer and West Virginia Division of Highways (WVDOH), not more than one (1) driveway curb cut may be developed from the subject development site onto Luckey Lane.
 2. That the twenty-five (25) buffer district established in City Ordinances ORD98-01 and ORD15-16 may be encroached into solely for the purpose of developing an internal drive aisle(s), parking/loading/maneuvering space(s), dumpster enclosure(s), and/or directional and/or traffic control signage; provided, the petitioner, with the written approval of and authorization by the Monongalia County School Superintendent's Office, establishes, to the satisfaction of the Planning Division and the City Engineer, an off-site landscape buffer on the adjoining Monongalia County School Board realty beginning at the Mountainview Elementary entrance onto Luckey Lane to where Luckey Lane meets Greenbag Road. The landscape plan for said off-site buffer shall be reviewed and approved by the City as a part of the building permit application for the development of Parcel 15, Tax Map 48A. Said landscape plan must also be reviewed and approved by the Monongalia County School Superintendent's Office prior to the issuance of any building permit for the development of Parcel 15, Tax Map 48A.

3. That, based on the Board's concern for increased traffic on the narrow Luckey Lane and prior to building permit issuance, the City Engineer and petitioner consult with the West Virginia Division of Highways (WVDOH) to explore all practicable means of mitigating potential traffic congestion on Lucky Lane through roadway widening, traffic directional restrictions, and/or turning movement restrictions, etc.

V15-29 – Variance petition concerning number of principal structures on a lot

- A. Each of the Findings of Fact was found in the positive as stated in Addendum A of this letter.
- B. The Board granted variance relief to permit more than one (1) principal building and their respective accessory structures may be developed on Parcel 15 of Tax Map 48A.

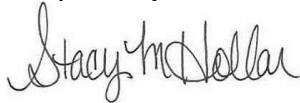
These decisions may be appealed to the Circuit Court of Monongalia County within thirty (30) days. Any work done relating to decisions rendered by the Board of Zoning Appeals during this thirty-day period is at the sole financial risk of the petitioner.

The above referenced approvals are set to expire in twelve (12) months unless it can be demonstrated that they have been activated as evidenced by permits, construction, or required licenses. This expiration deadline may be extended to eighteen (18) months upon prior written request of the Board.

Please note that building permits must be issued prior to the commencement of work for which the variance approvals were granted herein.

Should you have any questions or require further clarification, please contact the undersigned. We look forward to serving the development's planning and permitting needs.

Respectfully,



Stacy Hollar
Executive Secretary

cc via email: Damien Davis, City Engineer

ADDENDUM A

Approved Findings of Fact

V15-28 – Variance Relief concerning access to Luckey Lane and a landscape buffer

Finding of Fact No. 1 – The variance will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents, because:

The applicant would like to establish a portion of the requisite twenty-five (25) foot buffer strip along the property's Luckey Lane frontage that was established in January 1998 to property owned and operated by the Monongalia Board of Education (BOE), Mountainview Elementary School. It appears that in 1998 this area was established to retain a healthy buffering between future commercial development and the school. The applicant maintains that the ordinance will be adhered to on the northern side of interior across road along Luckey Lane. However, the spirit and intent of the buffer district will likewise be adhered to by moving the buffer onto the school property. This will provide a buffering area from the heavily traveled Luckey Lane, as well as commercial development on the subject property. The subject realty is in corporate City Limits of Morgantown surrounded by unzoned county property and realty owned by BOE. The applicant also seeks variance relief from the same 1998 ordinance which denies access onto Luckey Lane from the aforementioned realty. It is important to note that Luckey Lane is also a state route. In obtaining an access permit on Greenbag Road from the West Virginia Department of Highways (WVDOH), it appears that WVDOH maintains that there must be access onto Luckey Lane. This should also serve to enhance emergency response access. Mr. Frank Devono, Superintendent for the Monongalia County Board of Education, is in full support with moving the buffer to BOE property and also with access on to Luckey Lane, witnessed by the attached letter.

Finding of Fact No. 2 – The variance arises from special conditions or attributes which pertain to the property for which a variance is sought and which were not created by the person seeking the variance, because:

It appears that the 1998 ordinance was created as a buffer between potential development on the subject realty and the Mountainview Elementary School. This may be the reason that this property has remained undeveloped over the years and used as storage for heavy machinery and mounds of soil. As evidenced by the attached site plan, the applicant is seeking variance relief from the twenty-five (25) foot landscape buffer for the area of realty that narrows at the Luckey Lane/Greenbag Road intersection and access onto Luckey Lane. The applicant is also seeking variance relief to have access onto Luckey Lane. It appears by the attached letter from WVDOH, they would like to maintain a secondary means of egress/ingress. Mr. Frank Devono, Superintendent for the Monongalia County Board of Education, is in full support with moving the buffer to BOE property and also with access on to Luckey Lane, witnessed by the attached letter.

Finding of Fact No. 3 – The variance will eliminate an unnecessary hardship and permit a reasonable use of the land, because:

The applicant seeks variance from the 1998 ordinance which denies access on to Luckey Lane from the subject realty and a required twenty-five (25) foot landscape buffer the length of the realty along Luckey Lane. It appears that the ordinance was created as a buffer between potential development on the subject realty and Mountainview Elementary School. This may be the reason that this property has remained undeveloped over the years and used as storage for heavy machinery and mounds of soil. As evidenced on the attached site plan, the landscape area in question pertains to the future development area. Given the unique geometry of the subject property at the intersection of Luckey Lane and Greenbag Road, the potential development area is limited. It appears that there is adequate area for a proposed building. Preliminary review shows that parking and/or drive aisles would most likely encroach into the twenty-five (25) foot landscape buffer area. By moving the required area on only this section of the property and relocating it to property owned and operated by BOE, the spirit and intent of the ordinance is being met. In obtaining an access permit on Greenbag Road from WVDOH, it appears that WVDOH maintains that there must be access onto Luckey Lane. It appears that development on this site would be difficult without a secondary means of egress. Not only for WVDOH, but also for emergency vehicles.

Finding of Fact No. 4 – The variance will allow the intent of the zoning ordinance to be observed and substantial justice done, because:

As evidenced on the attached site plan, the landscape area in question pertains to the future development area only. Given the unique design of the property at the intersection of Luckey Lane and Greenbag Road, the potential development area is limited. It appears that there is adequate area for a proposed building. However, preliminary review shows that parking and/or drive aisles would most likely encroach into the twenty-five (25) foot landscape buffer area. By moving the required area on only this section of the property and relocating it to property owned and operated by BOE, the spirit and intent of the ordinance is being met. Mr. Frank Devono, Superintendent for the Monongalia County Board of Education, is in full support with moving the buffer to BOE property and also with access on to Luckey Lane, witnessed by the attached letter.

V15-29 – Number of principal structures on a lot

Finding of Fact No. 1 – The variance will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents, because:

The development will be similar to an office park in that it will contain more than one building managed on an integrated and coordinated basis under single ownership. The uniquely shaped parcel, sandwiched between two state routes, on the fringes of the City of Morgantown has historically remained vacant while occasionally being used for heavy equipment or soil storage. The applicant will “Spec build” two 6,000 square foot buildings with an area for future development. While startup and expanding businesses often desire the flexibility to lease and/or purchase their commercial location, the applicant would like the ability to plan accordingly while creating a responsibly planned, unified, and coordinated project with multiple tenants. The purpose of B-2, Service Business District is to provide areas that are appropriate for most kinds of business and services and located along major

thoroughfares. The highest and best use of this property is the flexibility to develop separate individual buildings that can be parceled off and owned by separate entities in the future.

Finding of Fact No. 2 – The variance arises from special conditions or attributes which pertain to the property for which a variance is sought and which were not created by the person seeking the variance, because:

The development will be similar to an office park in that it will contain more than one building managed on an integrated and coordinated basis under single ownership. The uniquely shaped parcel, situated between two state routes, on the fringes of the City of Morgantown has historically remained vacant while occasionally being used for heavy equipment or soil storage. This infill “spec” development creates a unique opportunity to create an office park type setting that can be subdivided as the market may or may not respond to.

Finding of Fact No. 3 – The variance will eliminate an unnecessary hardship and permit a reasonable use of the land, because:

The development will be similar to an office park in that it will contain more than one building managed on an integrated and coordinated basis under single ownership. The uniquely shaped parcel, situated between two state routes, on the fringes of the City of Morgantown has historically remained vacant while occasionally being used for heavy equipment or soil storage. The infill “spec” development will include two 6,000 square foot buildings with an area for the future development. While startup and expanding businesses often desire the flexibility to lease and/or purchase their commercial location, the applicant would like the ability to plan accordingly while creating a responsibly planned, unified, and coordinated project with multiple tenants. The proposed development creates a unique opportunity to create an office park type setting that can be subdivided as the market may or may not respond to. The purpose of B-2, Service Business District is to provide areas that are appropriate for most kinds of business and services and located along major thoroughfares. The highest and best use of this property is the flexibility to develop separate individual buildings that can be parceled off and owned by separate entities in the future.

Finding of Fact No. 4 – The variance will allow the intent of the zoning ordinance to be observed and substantial justice done, because:

The development will be similar to an office park in that it will contain more than one building managed on an integrated and coordinated basis under single ownership. The uniquely shaped parcel, sandwiched between two state routes, on the fringes of the City of Morgantown has historically remained vacant while occasionally being used for heavy equipment or soil storage. The applicant will “Spec Build” two 6,000 square foot buildings with an area for future development. While startup and expanding businesses often desire the flexibility to lease and/or purchase their commercial location, the applicant would like the ability to plan accordingly while creating a responsibly planned, unified and coordinated project with multiple tenants. The spirit and intent of zoning ordinance will be met since the purpose of the B-2, Service Business District is to provide areas that are appropriate for most kinds of business and services and located along major thoroughfares. The highest and best use of this property is the flexibility to develop separate individual buildings that can be parceled off and owned by separate entities in the future.